

REMARKS

Claims 6, 10, 11, and 13 are cancelled herein. Claim 7 has been amended to change its dependence in view of the cancellation of claim 6. Claim 9 has been amended to overcome the § 112 rejections at pages 2 and 3 of the Office Action. Paragraph 0030 of the application provides support for the amendments to claim 9.

Claim 1 has been amended to include the limitation of cancelled claim 6 that each of the second wheels is located closer to the midpoint than to the back end of the side rail to which it is attached. Claims 1, 15, and 17 have been amended to clarify that the "midpoint of the side rail" is between, and equally spaced apart from, the front (or first) end of the side rail and the back (or second) end of the side rail. Paragraph 0027 and Fig. 3 of the application provide support for these amendments. Reconsideration and withdrawal of the remaining rejections are requested in view of the following remarks.

Turning to the §102 rejections at pages 4-7 of the Office Action, Konstant does not teach or suggest several of the limitations recited in the claims, as amended. With respect to claim 1, Konstant does not teach or suggest that each of the second wheels on a cart is located closer to the midpoint than to the back end of the side rail to which it is attached. As defined in amended claims 1, 15, and 17, the midpoint is between, and equally spaced apart from, the front and back ends of the side rail. The claimed "midpoint," therefore, cannot properly be "defined at a position halfway between the upper and lower surfaces of said side rail, disposed immediately above the leftmost portion of said second wheel," as characterized throughout the Office Action. Rather, the midpoint must be equally spaced apart from the front and back ends of the side rail.

In Konstant, the second wheel on the cart is located much closer to the second end of the side rail than to the midpoint of the side rail (see Figs. 2 and 4). Indeed, the second wheel is located closely adjacent to the second end of the side rail, much like the first wheel is located closely adjacent to the first end of the side rail. Thus, the second wheel is not located closer to the midpoint than to the second end of the side rail, as recited in amended claim 1, and claim 1 is therefore allowable.

Claim 9 has been amended to recite that the side rails of the cart extend by about 30% to 45% of their length beyond the back ends of the support rails when the second wheels are rolled up against the back ends of the support rails (see paragraph 0030 of the application). The side rails in Konstant, conversely, just barely extend beyond the back ends of the support rails when the second wheels are rolled up against the back ends of the support rails (see Figs. 1 and 4), and they certainly do not extend anywhere near 30% to 45% of their length beyond the back ends of the support rails.

As explained throughout the application (see, e.g., paragraph 0004), by having the side rails of the cart extend appreciably beyond the back ends of the support rails, the storage rack requires significantly less steel (or other material) for its construction, while still being able to store the same number of pallets as a conventional system. As a result, the overall cost and weight of the system are significantly reduced. There is no suggestion in Konstant (or in any other cited art) to provide a cart with side rails that extend beyond the back ends of support rails by anywhere near 30% to 45% of the length of the side rails to achieve these advantages. Thus, claim 9 is allowable.

With respect to claim 17, Konstant does not teach or suggest that the second wheel on a cart is at a position that is from 55% to 90% of the distance from the second

end of the side rail to the midpoint (as defined above and recited in amended claim 17) of the side rail. Rather, the second wheel in Konstant is located much closer to the second end of the side rail than to the midpoint of the side rail (see Figs. 2 and 4). Indeed, the second wheel is located closely adjacent to the second end of the side rail, and is not located anywhere near 55% to 90% of the distance from the second end of the side rail to the midpoint of the side rail. As explained above, there is also no suggestion in Konstant (or in any of the other cited art) to position a second wheel on a side rail of a cart in this manner. Thus, claim 17 is allowable.

Several of the dependent claims include features similar to or cumulative with those shown above to be allowable. Thus, many of the dependent claims are believed to be separately allowable over the cited references.

In view of the foregoing, it is submitted that the claims are in condition for allowance. A Notice of Allowance is requested.

Dated: May 2, 2006

Respectfully submitted,

Customer No. 34055
Perkins Coie LLP
Patent - LA
P.O. Box 1208
Seattle, WA 98111-1208
Phone: (310) 788-9900
Fax: (206) 332-7198

PERKINS COIE LLP

By: Kenneth H. Ohriner
Kenneth H. Ohriner
Reg. No. 31,646